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7 UNITED STATES BANKRUPTCY COURT
8 EASTERN DISTRICT OF WASHINGTON

9 In re
10 EASTERDAY RANCHES, INC., *et al.*
11 Debtors¹.

Chapter 11
Lead Case No. 21-00141-WLH
Jointly Administered

13 EASTERDAY RANCHES, INC. and
14 EASTERDAY FARMS,
15 Plaintiffs,

Adv. Pro No. 21-80050 (WLH)
(PROPOSED) SCHEDULING
ORDER

16 v.
17 ESTATE OF GALE A. EASTERDAY
18 (DECEASED), KAREN L. EASTERDAY,
19 CODY A. EASTERDAY, and DEBBY
20 EASTERDAY,
21 Defendants.

22 This matter came before the Court pursuant to the above-captioned
23 adversary proceeding (the “Adversary Proceeding”). On September 22, 2021,
24 Plaintiffs filed a Complaint (I) to Determine Validity, Priority, or Extent of

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¹ This case is jointly administered with In re Easterday Farms, Case No. 21-00176-WLH11.

26 (PROPOSED) SCHEDULING ORDER - 1

1 Interests in Property and (II) for Declaratory Judgment [Adv. Pro. Docket No. 11]
2 (the “Complaint”). On October 19, 2021, Defendants filed a Stipulated Motion to
3 Indefinitely Extend Defendants’ Deadline to File Motion or Answer Complaint
4 [Adv. Pro. Docket No. 11] (the “Stipulation”). On November 3, 3021, Plaintiffs
5 filed a Notice of Deadline for Defendants to Answer Complaint [Adv. Pro. Docket
6 No. 11]. On November 17, 2021, Defendant Karen L. Easterday filed her Answer,
7 Affirmative Defenses, and Counterclaims to Complaint [Adv. Pro. Docket No. 14]
8 and Defendants Cody and Debby Easterday filed their Answer, Affirmative
9 Defenses, and Counterclaims to Complaint [Adv. Pro. Docket No. 15]. At a status
10 conference on November 17, 2021, Plaintiffs proposed that a trial in the Adversary
11 Proceeding take place in April 2022. Mrs. Easterday disagrees that a fair trial can
12 be conducted within that timeframe; the question of which parties owned each of
13 the real property, water rights, and irrigation improvements that were sold (the
14 “Assets”) as between Easterday Farms, Easterday Ranches, and the Easterdays
15 individually, and the allocation of the value of each of those Assets among each of
16 the entities and individuals are fact and legal intensive and form the crux of the
17 entire bankruptcy proceeding. As set out below, Mrs. Easterday proposes a
18 scheduling order that allows for an accelerated, but potentially adequate, time to
19 conduct discovery and a trial in this Adversary Proceeding.

20 This Scheduling Order supersedes any other scheduling order(s) entered to
21 date in this Adversary Proceeding. The following schedule shall apply:

22 1. The Court has waived the initial disclosures set out in FRCP 26(a)(1).

23 2. Deadline to identify attorneys/decision makers for Plaintiffs:
24 December 3, 2021.

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(PROPOSED) SCHEDULING ORDER - 2

Tonkon Torp LLP
888 SW Fifth Ave., Suite 1600
Portland, OR 97204
503.221.1440

1 3. Deadline to file amended complaint and respond to Counterclaims:
2 December 8, 2021.

3 4. Deadline to respond to Amended Complaint: December 22, 2021.
4 5. Mediation: December 2021/January 2022.
5 6. Close of written fact discovery: March 14, 2022.
6 7. Close of fact depositions: April 1, 2022.
7 8. Deadline to identify expert witnesses (if any): April 8, 2022.
8 9. Deadline to exchange expert reports (if any): April 22, 2022.
9 10. Close of expert depositions: May 13, 2022.
10 11. Deadline to file joint statement of agreed facts: May 31, 2022.
11 12. Deadline to file a list of witnesses: June 7, 2022.
12 13. Deadline to mark, exchange, and file exhibits: June 7, 2022.
13 14. Pre-Trial Conference: 7 days prior to trial.
14 15. Trial: June 21, 2022 or as soon thereafter as the court is available.

15 /// END OF ORDER ///

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17 Presented by:

18 TONKON TORP LLP
19

20 By /s/ Timothy J. Conway
21 Timothy J. Conway, WSBA 52204
22 Attorneys for Karen L. Easterday
23 individually and as personal
24 representative of the estate of Gale A.
25 Easterday
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(PROPOSED) SCHEDULING ORDER - 3

Tonkon Torp LLP
888 SW Fifth Ave., Suite 1600
Portland, OR 97204
503.221.1440

1 SUSSMAN SHANK LLP
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3 By /s/ Jeffrey C. Misley
4 Jeffrey C. Misley, WSBA 33397
5 Attorneys for Cody Easterday and
6 Debby Easterday
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(PROPOSED) SCHEDULING ORDER - 4

Tonkon Torp LLP
888 SW Fifth Ave., Suite 1600
Portland, OR 97204
503.221.1440